

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GORDON W. JONES,)	
)	
Plaintiff,)	State Court Case No.:
)	20RY-CV00357
v.)	
)	
UNITED SAFEWAY, INC., and)	Federal Court Case No.:
LAKHBINDER SINGH,)	
)	
Defendants.)	JURY TRIAL DEMANDED

JOINT NOTICE OF REMOVAL

COME NOW Defendants United Saway, Inc. (“Saway”) and Lakhbinder Singh (“Singh”) (collectively “Defendants”) by and through undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby files their Notice of Removal of the above captioned matter to the United States District Court for the Western District of Missouri, Western Division. Defendant states the following grounds supporting removal:

1. Plaintiff filed his Petition in the Circuit Court of Ray County, Missouri on May 6, 2020, which was assigned the case number 20RY-CV00357.
2. Defendant Lakhbinder Singh (improperly identified as Singh Lakhbinder) was served by consent based on an agreement between Plaintiff’s counsel and defense counsel on June 3, 2020.¹
3. Defendant United Saway, Inc. served on or about May 13, 2020.
4. Therefore, this Notice of Removal is timely, as it is within 30 days after receipt of “a copy of the initial pleading setting forth the claim for relief upon which such action is based”.
See 28 U.S.C. § 1446(b)(1).

¹ A previous attempt to serve Mr. Singh improperly was left with Mr. Singh’s “roommate” and was not valid pursuant to the Missouri Rules of Civil Procedure.

5. This case arises out of a motor vehicle accident which Plaintiff alleges occurred on January 24, 2020 on westbound Missouri 210 in Ray County, Missouri.

6. Plaintiff's Petition states that he is a resident of Missouri and is, therefore, a citizen of the state of Missouri for the purposes of determining diversity jurisdiction.

7. Plaintiff alleges that Defendant Singh is a citizen and resident of Georgia, and is, therefore, a citizen of the state of Georgia for the purposes of determining diversity jurisdiction.

8. As Plaintiff alleges, Defendant Safeway is incorporated in the State of Indiana with its principal place of business located in Saint John, Indiana. It is therefore a citizen of the state of Indiana for the purposes of determining diversity jurisdiction.

9. Based on the citizenship of the parties as set forth in paragraphs 6 through 8, complete diversity exists.

10. On March 27, 2020, Plaintiff sent a demand letter to Defendants' insurer, requesting the full policy limits (\$1,000,000) in exchange for a Release. This letter is attached as **Exhibit C**.

11. This case is, therefore, removable pursuant to 28 U.S.C. § 1332(a)(1) in that the amount in controversy with respect to Plaintiff's claims is reasonably anticipated to exceed \$75,000.00, exclusive of interest and costs, and it is between citizens of different states.

12. Copies of all pleadings filed in the above-referenced state court matter and the docket sheet are attached hereto as **Exhibit A**.

13. Defendants certify that on the date of filing this Notice of Removal, Defendants sent a notice to be filed with the state court in the above-referenced state court matter, with a true and accurate copy of this Notice of Removal as well as proof of filing, attached as an exhibit. A

copy of that notice, without its attachments, is attached hereto as **Exhibit B**. Both this Notice of Removal and the notice filed in the state court have been served upon counsel for Plaintiff.

Respectfully submitted,

BROWN & JAMES, P.C.

/s/ David R. Buchanan

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on 12th of June, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record. In addition, a true and accurate copy of the above and foregoing was served via United States Mail, postage prepaid, upon:

M. Blake Heath, MO #61939

M. BLAKE HEATH,

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/s/ David R. Buchanan

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